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17 BABYBUS (FUJIAN) NETWORK
18 TECHNOLOGY CO., LTD

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MOONBUG ENTERTAINMENT LIMITED
and TREASURE STUDIO, INC.,

Plaintiffs,

v.

BABYBUS (FUJIAN) NETWORK
TECHNOLOGY CO., LTD,

Defendant.

BABYBUS (FUJIAN) NETWORK
TECHNOLOGY CO., LTD,

Counter-Plaintiff,

v.

MOONBUG ENTERTAINMENT LIMITED
and TREASURE STUDIO, INC.,

Counter-Defendants.

CASE NO. 4:21-CV-06536-EMC

**BABYBUS (FUJIAN) NETWORK
TECHNOLOGY CO., LTD'S
OPPOSITION TO MOONBUG
ENTERTAINMENT LIMITED AND
TREASURE STUDIO INC.'S MOTION
TO DISMISS**

Hearing Date: November 30, 2021

Hearing Time: 10:00 AM

Hearing Location: 5, 17th Floor

Judge: Honorable Edward M. Chen

1 Defendant and Counterclaimant BabyBus (Fujian) Network Technology Co. Ltd.
2 (“BabyBus”) will be timely filing amended counterclaims on November 9, 2021—21 days
3 following service of plaintiffs’ October 19, 2021, motion to dismiss, and within the period Rule 15
4 allows for amendments of right. *See* Fed. R. Civ. P. 15 (“A party may amend its pleading once as
5 a matter of course within ... 21 days after service of a responsive pleading or 21 days after service
6 of a motion under Rule 12(b), (e), or (f), whichever is earlier.”). BabyBus’s filing of amended
7 counterclaims will moot plaintiffs’ motion to dismiss. *See, e.g., Cisco Sys., Inc. v. Dexon Computer,*
8 *Inc.*, 2021 WL 2207343, at *1 n. 2 (N.D. Cal. June 1, 2021) (“The Court denies Dexon’s motion to
9 dismiss the original complaint as moot based on the filing of the amended complaint.”); *see also*
10 *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1009 (9th Cir. 2015) (“Because the timely filed
11 Second Amended Complaint mooted the motion to dismiss, we reverse the district court’s grant of
12 Defendants’ motion to dismiss the superseded First Amended Complaint and the resulting dismissal
13 of the Plaintiff’s case.”). Accordingly, once BabyBus’s amended counterclaims are filed on
14 November 9, plaintiffs’ pending motion to dismiss should be denied as moot.

15 DATED: November 2, 2021

QUINN EMANUEL URQUHART & SULLIVAN, LLP

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By /s/ Sam S. Stake

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